

MINUTE ITEM

30. APPROVAL OF AGREEMENT FOR COMPROMISE OF CLAIM AND STIPULATION FOR JUDGMENT IN QUIET TITLE ACTION, CITY OF OAKLAND V. THE STATE OF CALIFORNIA, ALAMEDA SUPERIOR COURT NO. 307465 - S.W.O. 7597 AND W.O. 3394.

After consideration of Calendar Item 16 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE AND EXECUTE THE AGREEMENT FOR COMPROMISE OF CLAIM AND THE STIPULATION FOR JUDGMENT PROPOSED FOR SETTLEMENT OF THE CITY OF OAKLAND V. THE STATE OF CALIFORNIA QUIET TITLE ACTION IN THE SUPERIOR COURT IN AND FOR ALAMEDA COUNTY, NO. 307465.

Attachment

Calendar Item 16 (1 page)

CALENDAR ITEM

16.

APPROVAL OF AGREEMENT FOR COMPROMISE OF CLAIM AND STIPULATION FOR JUDGMENT IN QUIET TITLE ACTION, CITY OF OAKLAND V. THE STATE OF CALIFORNIA, ALAMEDA SUPERIOR COURT NO. 307465 - S.W.O. 7597 AND W.O. 3394.

In 1950, quiet title actions initiated to establish the high water mark separating ungranted sovereign lands and privately-owned areas along the easterly side of Lake Merritt in the City of Oakland resulted in a compromise line running along Second Avenue to the position of the Peralta Rancho San Antonio Grant. A portion of this 1950 compromise line has operated effectually (although not legally, since the City of Oakland was not a party to the original actions) to serve as a boundary line between City-of-Oakland-owned parcel and an adjacent parcel owned by one of the 1950 quiet-title litigants. Hence, in 1950 when the City of Oakland attempted to dispose of this parcel, the prior determination of that portion of the boundary line created a cloud on the title to a small triangular area of a City-owned lot along Second Avenue, containing approximately 24,000 square feet (0.5 acre).

Inasmuch as the disputed property was formerly a part of a navigable stream (the north arm of the estuary of San Antonio), the City of Oakland, pursuant to Public Resources Code Section 6461, brought Quiet Title Action No. 307465 in the Superior Court of Alameda County in June, 1960.

Negotiations between representatives of the City of Oakland, of the office of the Attorney General, and of the State Lands Commission have resulted in an Agreement for Compromise of Claim to terminate the aforesaid legal action by a Stipulation for Judgment, setting a new line of mean high tide separating City-owned lands and ungranted sovereign lands which eliminates the cloud to the City's title to the aforementioned triangular area. Consideration for said Agreement in the sum of \$499 has been duly approved by the City of Oakland.

The office of the Attorney General has approved forms for both the Agreement for Compromise of Claim and the Stipulation for Judgment. The plaintiff now asks the Commission for approval of the Agreement for Compromise of Claim and of the Stipulation for Judgment.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO APPROVE AND EXECUTE THE AGREEMENT FOR COMPROMISE OF CLAIM AND THE STIPULATION FOR JUDGMENT PROPOSED FOR SETTLEMENT OF THE CITY OF OAKLAND V. THE STATE OF CALIFORNIA QUIET TITLE ACTION IN THE SUPERIOR COURT IN AND FOR ALAMEDA COUNTY, NO. 307465.